

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135B.7, the Department of Inspections and Appeals hereby amends Chapter 51, "Hospitals," Iowa Administrative Code.

The amendments adopt the 2010 Guidelines for Design and Construction of Health Care Facilities produced by the Facility Guidelines Institute as the minimum construction standards for hospitals and off-site premises licensed under Iowa Code chapter 135B.

The adopted amendments also contain provisions stipulating that hospitals and off-site premises shall be deemed to be in compliance with the minimum construction standards if the buildings met the construction standards in place at the time the buildings were built. Additional language in the adopted amendments requires that all hospitals and off-site premises meet the requirements of the State Building Code and the Life Safety Code.

The rewrite of the minimum construction standards contains requirements for the filing of all construction documents with the State Fire Marshal's office. The amendments closely follow the submission requirements in the administrative rules of the State Fire Marshal's office and further require that the responsible design professional certify that the building plans meet the requirements of the 2010 Guidelines unless a variance has been granted.

Adopted subrule 51.50(3) contains the provisions under which variances from the minimum construction standards may be sought. The introductory paragraph is expanded to include some of the components of a variance request, and several factors that the Director shall consider when making a determination.

Additionally, the administrative rules of the State Fire Marshal's office, Building Code Bureau, contain the inspection standards to be used when existing buildings are inspected; these amendments adopt the administrative rule language of the State Fire Marshal's office for the inspection of existing hospitals and off-site premises.

Item 2 of the adopted amendments rescinds rules dealing with minimum construction standards in effect for specific periods. With the adoption of the amendments in Item 1, it will not be necessary to differentiate the various construction guidelines used because the amendments in Item 1 contain language which deems existing facilities to be in compliance with previous editions of the guidelines.

Notice of Intended Action was published in the Iowa Administrative Bulletin on Oct. 6, 2010, as **ARC 9119B**. No comments were received; no changes were made to the amendments published under Notice of Intended Action.

These amendments were approved by the Hospital Licensing Board at its July 27, 2010, meeting.

The State Board of Health initially reviewed the proposed amendments at its September 8, 2010, meeting, and subsequently approved the amendments at its November 10, 2010, meeting.

These amendments are intended to implement Iowa Code sections 10A.104(5) and 135B.7.

These amendments shall become effective January 5, 2011.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [51.50 to 51.52] is being omitted. These amendments are identical to those published under Notice as **ARC 9119B**, IAB 10/6/10.

[Filed 11/10/10, effective 1/5/11]

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[For replacement pages for IAC, see IAC Supplement 12/1/10.]